

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

STEPHANIE LEWIS,  Plaintiff,  vs.  COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION;  Defendant.	4:23-CV-04152-VLD   ORDER TO PROCEED IN FORMA PAUPERIS
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Plaintiff moves to proceed in forma pauperis (“IFP”). Docket 2. The court has reviewed the motion and finds that plaintiff qualifies for IFP status. IFP status does not, however, relieve plaintiff from paying the filing fee altogether. Rather, it allows her to file her complaint without *prepayment* of the fee as other litigants must. See 28 U.S.C. § 1915(a).

Ms. Lewis also requests that the court order the clerk to issue a summons and order the United States Marshals to serve that summons together with a copy of her complaint upon the defendant. Docket No. 2. Section 1915(d) provides that an officer of the court shall issue and serve all process in cases in which IPF status is granted. 28 U.S.C. § 1915(d). Federal Rule of Civil Procedure 4(c)(3) provides that if an IFP plaintiff requests the court to effectuate service of process, such service shall by made by a United States marshal or deputy marshal. Good cause appearing, it is therefore


ORDERED that plaintiff's motion for leave to proceed without prepayment of fees (Docket 2) is granted pursuant to 28 U.S.C. § 1915(a). Ms. Lewis may prosecute this action to its conclusion without prepayment of costs or fees. If Ms. Lewis recovers attorney's fees or benefits in this action, she shall immediately pay to the court costs and fees, including service of process and the \$350 filing fee, out of the award of benefits or the award of attorney's fees or both. Should Ms. Lewis prevail in this appeal, the court advises her the Commissioner will not be responsible for paying Ms. Lewis the \$350 filing fee or costs of service of process as a consequence of prevailing. See 28 U.S.C. § 1915(f)(1).

It is further

ORDERED that plaintiff's counsel must contact the clerk of courts office and give the correct address(es) for serving defendant. The clerk is then ordered to issue summonses addressed as indicated by plaintiff's counsel. The clerk is then directed to deliver that summons together with a copy of plaintiff's complaint to the United States Marshals Office with directions to the Marshals to serve the summons and copy of plaintiff's complaint on the defendant at the address(es) supplied by plaintiff's counsel.

DATED this 3rd day of October, 2023.

BY THE COURT:

  
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VERONICA L. DUFFY  
United States Magistrate Judge